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761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 23, 2009

OFFICE CORRESPONDENCE FILE NO. SH2246415

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ISMAEL GARCIA #[redacted]
LAKEWOOD STATION

On June 29, 2009, at about 0315 hours, Deputy Ismael Garcia, in fear for his life, fired one 9mm round from his Beretta 92F pistol at the male Hispanic adult suspect, missing him.

Deputy Garcia, Unit 133T1, was contacted by a motorist, who was driving north on Lakewood Boulevard and related that one of his vehicles had just been stolen. The motorist directed Deputy Garcia's attention to a black Honda which was stopped at a traffic signal on Lakewood Boulevard. Deputy Garcia initiated a traffic stop of the stolen vehicle and the driver yielded, stopping the Honda on Gardendale Street at Blodgett Avenue.

Without warning, the driver fled from the vehicle and faced Deputy Garcia, simultaneously reaching for his waistband. Deputy Garcia, in fear for his life, fired one 9mm round from his Beretta 92F pistol at the suspect, missing him. The suspect immediately turned and ran west, turning north on Airpoint Avenue and out of sight.

Assisting deputies responded to the scene and established a containment. Canine Services Detail was requested and responded to the location as well. An extensive search of the area proved fruitless, however. After several hours it was determined that the suspect had successfully eluded capture.

On December 10, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Ismael Garcia #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Ismael Garcia #[redacted] in this incident were within Department Policy.

The Committee directs the unit commander to send Deputy Ismael Garcia #[redacted] to eight hours of Tactics and Survival Training as part of the Continuing Professional Training (CPT) curriculum and a debriefing, documented by the Tactics and Survival Training Unit. The APIS Roster of the training attended and the documentation of the debriefing must be returned.

Eric B. Smith, Commander

EBS:YLW/ylw

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: June 29, 2009	Bureau/Station/Facility: Lakewood Station	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 609-16173-1332-055	Date: October 23, 2008 — Time: 0006 hrs
City or Station: Lakewood Station	Nature of Incident: Deputy Ismael Garcia initiated a traffic stop on a suspected stolen vehicle. As he awaited the arrival of back-up units, the driver of the vehicle exited and reached for his waistband. Deputy Garcia, in fear for his life, fired one round from his firearm, missing the suspect. The suspect fled on foot and eluded capture.
Location: Gardendale Street/Blodgett Avenue, Paramount	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled)
Other: ______

Lighting (*circle only one*): **Darkness** (circled), Daylight, Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, **Traffic Stop** (circled), Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, **One Person Unit** (circled), Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Aero Unit? ☒ Canine Unit? ☒

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Gilespie	Daniel	J	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Jobling	James	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Hernandez	Eduardo	A.

PSTD Use Only
SH # ______

Officer Involved Shooting

URN: 609-16173-1332-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06-29-09	0430	06-30-09	

Employee #	Last Name	First Name	M.I
[redacted]	Brickert	Scott	J.
[redacted]	Maldonado	Albert	M
[redacted]	Hill	Scott	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) HI Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) 223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S 1	E 1	FH					NN	
E1	S1	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 609-16173-1332-055

Involved Employee

E 1

Employee # [redacted]	Last Name Garcia	First Name Ismael	M.I.
Sex: M Race: H	Rank Deputy	Unit Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): 133T1
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 505	Weight: 170		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber 9 mm # Shots 1		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Lakewood Station
DATE: June 29, 2009 (Monday)
TIME: 0330 hours
LOCATION: Gardendale Street/Blodgett Avenue, Paramount, Ca.
URN#: **609-16173-1332-055**
IAB#: **SH2246415**

NATURE OF
INCIDENT: On June 29, 2009 at approximately 0315 hours, Deputy Ismael Garcia, while on routine patrol, was contacted by a motorist who alerted him that his vehicle had just been stolen. The motorist pointed at his stolen vehicle that was stopped at a traffic signal on Lakewood Boulevard. Deputy Garcia conducted a traffic stop of the vehicle on Gardendale Street at Blodgett Avenue.

The vehicle (black Honda) yielded and Deputy Garcia awaited the arrival of assisting units. As he awaited, the driver suddenly exited the vehicle, faced Deputy Garcia and reached for his waistband. Deputy Garcia, in fear for his life, fired one round from his department issued Beretta at the suspect, missing him. The suspect immediately turned and ran west, then north bound on Airpoint Avenue and out of view.

INVOLVED PERSONNEL:

Garcia, Ismael- Deputy, Employee #[redacted]
Lakewood Station
133T1
Field Operations Region III

EMPLOYEE'S WORK HISTORY:

Date of Employment: 01-17-02
Date Assigned to Lakewood: 08-01-07
Prior Shooting Incident(s):[redacted]
Prior Founded Force Incidents:[redacted]

INVOLVED SUSPECT:

MH/ A

Involved Suspect Criminal History:

Unknown

INVOLVED DEPUTY WITNESSES:

None

NON-DEPARTMENT WITNESSES:



[redacted] MH/ [redacted]

INVOLVED EMPLOYEE STATEMENTS:

Deputy Ismael Garcia # [redacted] was interviewed on July 16, 2009, by Sergeant's Albert Maldonado and Scott Hill of the Internal Affairs Bureau. The interview took place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Garcia said, while on routine patrol, was traveling westbound on Gardendale Street and approaching Lakewood Boulevard. He saw two vehicles exit an alleyway onto Gardendale Street (westbound) towards Lakewood Boulevard. Both vehicles stopped at a red light in the number one lane. He stopped his vehicle directly beside both vehicles in the left hand turn lane and conducted a license plate check of the second vehicle. As he awaited the return, he said another vehicle suddenly stopped behind him. The driver exited his vehicle and approached him on foot. The driver (Victim [redacted] immediately told him the vehicle stopped beside his vehicle (black Honda) was his vehicle and had just been stolen. Deputy Garcia said the light turned green and both vehicles proceeded directly through the intersection. He followed the black Honda and immediately requested back-up via Sheriff's radio. He activated his overhead lights and conducted a traffic stop of the vehicle on Gardendale Street just west of Lakewood Boulevard. The vehicle yielded and Deputy Garcia, stopped approximately two car lengths behind, immediately exited his vehicle. With his department issued Beretta drawn, he stood behind the open front driver side door as he awaited the arrival of assisting units.

I.A.B. Note: Deputy Garcia said he reacted instinctively by conducting a traffic stop of the suspected stolen prior to the arrival of back-up units. He said in hindsight it would have been tactically correct to follow the vehicle and await

the arrival of sufficient back-up units and an aero unit prior to activating his lights and conducting a traffic stop.

Deputy Garcia said once the vehicle yielded he ordered the driver, in English, to stay inside and place his hands out the window. At this time the victim stopped his vehicle behind the radio car and stood approximately 15 feet behind him. The driver complied and placed both hands out the window. Deputy Garcia said he was not comfortable with the victim standing behind him and turned to glance at him. When he turned back towards the suspect, the vehicle door opened and the suspect exited. Deputy Garcia said as the suspect exited he (suspect) turned and faced him. The suspect reached for his waistband and removed what appeared to be a silver handgun. Deputy Garcia, in fear for his life, fired one round from his handgun at the suspect. He doesn't believe the suspect fired a round and was able to fully retrieve the handgun from his waistband. The suspect responded by fleeing, on foot, west bound and turning onto north bound Airpoint Avenue. Deputy Garcia said he was aware his background was a residential street that was illuminated by his radio car spot lights. He could not recall if there were street lights but could clearly see the suspect. There were no pedestrians in the area.

Deputy Garcia said he was not sure if there was anyone else in the vehicle. He slowly approached the vehicle and looked through the windows. Once he was sure there was nobody else in the vehicle, he went to the intersection of Airpoint Avenue and Gardendale Street to see if he could ascertain what direction the suspect ran. He could not see the suspect and immediately began to set-up a containment.

SUSPECT'S STATEMENTS:

None

DEPARTMENT WITNESS STATEMENTS:

None

NON-DEPARTMENT WITNESS STATEMENTS:

[redacted] ([redacted]) was interviewed in Spanish on June 29, 2009 by Sergeants Carlos Flores and Albert Maldonado. [redacted] said he was sleeping inside of his home when he was awakened by the sound of a vehicle motor running. He looked out of his window and saw a red car with two persons inside and another person stealing his car (black Honda). Both cars left and he went out to another of his vehicles and followed them. He said both cars stopped at a red light at Gardendale Avenue and Lakewood Boulevard. He saw a patrol car stop directly beside them. He said he stopped his vehicle directly behind the patrol vehicle and ran up to the officer inside. The officer began to get out of his car and asked him what was wrong. He explained to him that

the black Honda beside them was stolen. He said the officer asked him how he knew the vehicle was stolen and he explained to him it was his vehicle.

[redacted] said at that moment the light turned green and both vehicles proceeded through the intersection. The officer re-entered his vehicle and followed his black Honda. The officer activated his overhead lights and conducted a traffic stop. [redacted] said he followed the officer and stopped approximately 10 feet directly behind him during the traffic stop. He said the officer stepped out of his vehicle and began to give the driver of the vehicle verbal commands. He said he could hear the officer order the suspect to stay in the car and place his hands out the window. He said he remained in his vehicle and with his head out the window, saw the door of the suspect's vehicle open. The officer ordered the suspect to show him his hands. The suspect did not comply and exited the vehicle. [redacted] said he did not see a gun but saw the suspect clearly make a motion with his hands towards his waistband. He said the officer fired one round at the suspect who immediately ran from the location.

[redacted] said the officer approached the vehicle to see if there was anyone else inside. After checking the vehicle the officer went to see where the suspect had run. The officer began talking on his radio while waiting for the back-up officers to arrive.

I.A.B. Note: This interview was digitally recorded.

SUSPECT'S INJURIES:

None

DEPUTY PERSONNEL:

None

PHYSICAL EVIDENCE:

(1) Cartridge Case, (1) 9mm Beretta Semi-automatic handgun.

INVESTIGATORS OBSERVATIONS:

No observations.

WEAPONS USED BY DEPUTY PERSONNEL:

Department issued 9mm Beretta Handgun.

WEAPON USED BY SUSPECT:

Silver Handgun

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Det. R. Erickson #[redacted]

Charges Filed: The suspect is still outstanding.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident during the hours of darkness and the location was illuminated by street lights. The weather was clear.